

From: Alex
To: Microsoft ATR
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Subject: Microsoft Settlement.

To: Renata B. Hesse
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Madam,

I have read parts of and have heard a great deal about the proposed settlement between Microsoft Corporation and the Department of Justice. Being an end user of Microsoft operating systems and also of other operating systems, including Linux, I must say that I do not believe this settlement, in its present form, goes far enough in limiting Microsoft's ability to control the future of software and operating system development.

The first point I would like to discuss is Section III(J)(2).

Microsoft should not be allowed to decide to whom it will describe or license API, Documentation, or Communications Protocols affecting authentication and authorization. If this is allowed to happen, you can be assured that Microsoft will effectively cut off all access to information needed by software developers of companies that it deems to be "Not for Profit" or "Open Source Projects". No one entity should be cut off from this information just because they do not meet Microsoft's "criteria as a business". Allowing this wording to remain intact in the final settlement will be more damaging than having no settlement at all.

The second point I would like to discuss is Section III(D).

This section is even more disturbing when one looks at the footnotes for the legal definition of to whom it will disclose information regarding API's.

API's (application programming interface) provide programmers with coding information that allows them to create "middleware"(software that works on top of the operating system) that will work seamlessly with Microsoft products.

Only those companies and individuals who are writing software for profit (commercial) will be allowed access to the needed API's.

Most "Open Source" and "Not for Profit" software writers need this code for the applications to operate in Microsoft operating systems. There is no legal reason that these companies or personages be denied access to this information other than to allow Microsoft to further

control the development of software by whom Microsoft wishes.

The Department of Justice would do well to remind themselves that the software market is not a typical industry. Many of the programs that allow the Internet to operate are in fact "Open Source" and in direct competition with products from Microsoft. Many "Third Party" programs that are "Freeware" but not "Open Source" are also in direct competition with products from Microsoft. All products, whether "Open Source" or "Freeware" or "Commercial", should have the same protections from Microsoft. All products, whether "Open Source" or "Freeware" or "Commercial", should have the same rights to information concerning API's from Microsoft.

I would like to close by reminding the Department of Justice that Microsoft was found guilty of being a monopoly. In that regard, the actions proposed in this settlement are more damaging than if no action was taken to curtail the illegal activities in which Microsoft has been found to have committed in the past, and which, if this settlement is allowed to stand as written, they will continue to commit.

Thank you for your time.

Alexander R. McCreary